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Attorney for Defendants:
KAISER FOUNDATION HEALTH PLAN, INC. and
KAISER FOUNDATION HOSPITALS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL FERNANDES

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN,
INC. and KAISER FOUNDATION
HOSPITALS, a Non-profit Corporation

Defendants.

Case No. C06-3981 PJH

**STIPULATION AND ORDER FOR
DISMISSAL**

Plaintiff MICHAEL FERNANDES ("Plaintiff") and Defendants KAISER
FOUNDATION HEALTH PLAN, INC. and KAISER FOUNDATION HOSPITALS
("Defendants") file this Stipulation and Order for Dismissal pursuant to Federal Rule of Civil
Procedure §41 and state as follows:

1. Plaintiff filed this action on June 27, 2006.
2. Plaintiff and Defendants have entered into a Settlement Agreement and General
Release which settles all aspects of the action. The settlement is contingent on a dismissal of the
action with prejudice.
3. Accordingly, Plaintiff moves to dismiss the action with prejudice.

- 1 4. Defendants, who have answered the Complaint, agree to the dismissal with
- 2 prejudice.
- 3 5. The case is not a class action, and no receiver has been appointed.
- 4 6. Plaintiff has not dismissed an action on or including the same claim or claims as
- 5 those presented in this action.
- 6 7. This dismissal is with prejudice.
- 7 8. Each party shall bear their own attorneys' fees and costs.

8 WHEREFORE, Plaintiff and Defendants, by and through their attorneys of record, so
9 stipulate.

11 Dated: January 6, 2007

Thomas N. Stewart, Attorney at Law

12 By: Thomas N. Stewart
13 Thomas N. Stewart, Attorney for Plaintiff
14 Michael Fernandes

15 Dated: January 29, 2007

SEYFARTH SHAW

16 By: Kari Erickson Levine
17 Kari Erickson Levine, Attorney for KAISER
18 FOUNDATION HEALTH PLAN, INC. and
19 KAISER FOUNDATION HOSPITALS

20 PURSUANT TO STIPULATION OF THE PARTIES, AND FOR GOOD CAUSE
21 SHOWN, IT IS ORDERED that this action is hereby dismissed with prejudice, with each party
22 bearing its own attorneys' fees and costs.

23 Dated: January 30, 2007

24 Hon. Phyllis J. Hamilton
25 United States District Judge

